

1 HOUSE BILL NO. 648

2 INTRODUCED BY J. WARD

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING EVIDENCE OF FAILURE TO USE A SEATBELT TO BE
5 ADMISSIBLE TO PROVE NEGLIGENCE IN A CIVIL ACTION FOR PERSONAL INJURY OR DEATH OF AN
6 OCCUPANT OF A MOTOR VEHICLE FOR THE PURPOSE OF REDUCING OTHERWISE RECOVERABLE
7 DAMAGES; REPEALING SECTION 61-13-106, MCA; AND PROVIDING AN APPLICABILITY DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Evidence of failure to use seatbelt -- admissibility.** (1) Except as
12 provided in subsection (2), an occupant of a motor vehicle who fails to use a properly adjusted and fastened
13 seatbelt in a moving motor vehicle is negligent. Evidence of this negligence is admissible in a civil action for
14 personal injury or death of an occupant to whom this section applies.

15 (2) Subsection (1) does not apply to:

16 (a) a passenger who is an incapacitated person, as defined in 72-5-101;

17 (b) a passenger who is under 18 years of age who has not been issued a driver's license; or

18 (c) an occupant of a vehicle as described in 61-13-103(2).

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20 NEW SECTION. **Section 2. Repealer.** Section 61-13-106, MCA, is repealed.

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22 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
23 integral part of Title 61, chapter 13, part 1, and the provisions of Title 61, chapter 13, part 1, apply to [section 1].

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25 NEW SECTION. **Section 4. Applicability.** [This act] applies to injuries or deaths occurring on or after
26 October 1, 2007.

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